

# North Tyneside Council

## Report to Cabinet

### Date: 29 June 2020

**Title: Renewal of Article 4 Directions to manage planning rights for land at Preston Park and specified streets within Spanish Battery, New Quay, and Tynemouth**

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<b>Portfolio:</b>	<b>Deputy Mayor</b>	<b>Cabinet Member:</b>	<b>Councillor Bruce Pickard</b>
<b>Report from Service Area:</b>	<b>Environment, Housing and Leisure</b>		
<b>Responsible Officer:</b>	<b>Phil Scott – Head of Environment, Housing and Leisure</b>	<b>Tel: (0191) 643 7295</b>	
<b>Wards affected:</b>	<b>Preston, Riverside and Tynemouth</b>		

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## **PART 1**

### **1.1 Executive Summary:**

Article 4 Directions are tools available to local planning authorities to remove permitted development rights from land or dwelling houses so that certain development cannot be undertaken without first obtaining planning permission. These are effective tools in conservation areas where the cumulative effect of small-scale development can have an adverse effect upon character and appearance. The effect of the Article 4 Direction is not to prevent development but better manage it to ensure amenity is not harmed.

Cabinet has previously confirmed Article 4 Directions at Preston Park, Spanish Battery, New Quay and Tynemouth Village.

The legislation attached to the Article 4 Directions, the Town and Country Planning (General Permitted Development) Order 1995, has now been superseded by the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the GPDO”).

As part of the Authority’s ongoing refresh of its planning framework, which has included adoption of the North Tyneside Local Plan in 2017 and updated Supplementary Planning Documents in 2018 and 2019, the work programme has progressed to consideration of the continued suitability and effectiveness of these Article 4 Directions. The outcome of this review is that the existing Directions are updated to improve their interpretation in accordance with the GPDO and any future amendments to it. The extent of the conservation areas affected by the existing Directions would not change.

This report asks Cabinet to renew the existing Article 4 Directions to incorporate the changes identified. The proposed changes will be subject to consultation with residents

and landowners for each of the four affected areas. This will inform Cabinet before it confirms its decision.

## **1.2 Recommendations:**

It is recommended that Cabinet:

(1) Note the risks associated with the current wording of existing Article 4 Directions at:

- i. Preston Park,
- ii. Spanish Battery,
- iii. New Quay, and
- iv. Tynemouth.

And

(2) Agree to make a renewed draft Article 4 Direction that will be subject to consultation with residents and landowners for each of the four affected areas.

## **1.3 Forward Plan:**

Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 29 May 2020.

## **1.4 Council Plan and Policy Framework**

This report links to the 'Our North Tyneside' Council Plan 2020-2024, including:

- Our people will be listened to so that their experience helps the Council work better for residents.
- Our places will be great places to live, provide an attractive, safe and sustainable environment and be a thriving place of choice for visitors.

Renewal of the Article 4 Directions would support the vision, objectives and policies of the North Tyneside Local Plan 2017. The key policies are:

- S6.5 Heritage Assets
- DM6.6 Protection, Preservation and Enhancement of Heritage Assets
- DM6.1 Design of Development
- DM6.2 Extending Existing Buildings
- S6.4 Improving Image

These policies commit the Authority to preserve and enhance heritage assets, take opportunities to implement tools such as Article 4 Directions, and deliver well designed development that creates successful places. This is in line with national planning policy as set out in chapter 16 (Conserving and enhancing the historic environment) and chapter 13 (Achieving well-designed places) of the National Planning Policy Framework (NPPF).

## **1.5 Information:**

### **1.5.1 Introduction**

1.5.2 This report relates to the requirement to renew four existing Article 4 Directions within the borough. Article 4 Directions are made under the provisions of the Town and Country Planning (General Permitted Development) Order 2015. They remove permitted

development rights from land or dwelling houses so that certain development cannot be undertaken without first obtaining planning permission from the Local Planning Authority.

1.5.3 The use of Article 4 Directions is encouraged in the NPPF in those cases where the amenity of the area could be harmed. Article 4 Directions allow for the local planning authority to manage development affecting land and dwelling houses that could be harmful to the amenity of the conservation area. The effect of the Article 4 Direction is not to prevent development but better manage it.

#### 1.5.4 Existing Article 4 Directions

1.5.5 The four Article 4 Directions previously confirmed in North Tyneside were implemented as part of the Authority's duty to help preserve and enhance the character and appearance of conservation areas.

1.5.6 The Article 4 Directions are:

- Preston Park, confirmed 1996. This Direction affects land at the centre of Preston Park.
- Spanish Battery, confirmed 2000. This Direction affects dwelling houses in:
  - Spanish Battery, Tynemouth, and
  - Old Coastguard Cottages, Tynemouth.
  
- New Quay, confirmed 2005. This Direction affects dwelling houses in:
  - Ferry Mews, New Quay
  - Dukes Court, New Quay, and
  - The Moorings, New Quay.
  
- Tynemouth, confirmed 2007. This Direction affects dwelling houses in:
  - Northumberland Terrace, Tynemouth
  - St Albans Place, Tynemouth
  - Tynemouth Terrace, Tynemouth
  - Tynemouth Place, Tynemouth
  - Front Street, Tynemouth
  - Silver Street, Tynemouth
  - Huntingdon Place, Tynemouth
  - Stephenson Street, Tynemouth
  - Middle Street, Tynemouth
  - Hotspur Street, Tynemouth
  - Felton Terrace, Tynemouth
  - Percy Street, Tynemouth
  - Manor Road, Tynemouth
  - St Oswins Place, Tynemouth
  - Lovaine Row, Tynemouth
  - Percy Villas, Tynemouth
  - Percy Park Road, Tynemouth
  - Percy Gardens, Tynemouth
  - Seafield View, Tynemouth
  - Syon Street, Tynemouth
  - Percy Park, Tynemouth
  - Stephenson Street, Tynemouth, and
  - Bath Terrace, Tynemouth.
  
- 1.5.7 As part of the Authority's ongoing refresh of its planning framework, which has included adoption of the North Tyneside Local Plan in 2017 and updated Supplementary Planning

Documents in 2018 and 2019, the work programme has progressed to consideration of the continued suitability and effectiveness of the above Article 4 Directions.

1.5.8 The existing Article 4 Directions continue to be applied, but a review has identified that there is a risk of misinterpretation of their meaning or effect upon permitted development rights by residents and stakeholders. This is because the legislation attached to the above Directions, the Town and Country Planning (General Permitted Development) Order 1995, has been superseded by the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the GPDO”).

#### 1.5.9 Renewal of the Article 4 Directions

1.5.10 To respond to the potential risk identified, it is proposed that the existing Directions are replaced by renewed Article 4 Directions, worded in accordance with the GPDO. The extent of the conservation areas affected by the existing Directions would not change. The approach however to defining the extent of the Article 4 Direction for Tynemouth Village has been amended from specific identification of dwelling houses at each of the streets listed at paragraph 1.5.6 to state that it applies to all dwelling houses within the defined boundary. This approach is more resilient to changes over time as flats or commercial properties may be converted to houses or vice versa.

1.5.11 The renewed Directions would, as with the previous Directions, remove permitted development rights afforded to dwelling houses and, in the case of Preston Park only, remove permitted development rights afforded to land. This would include the erection of extensions and porches, installation of hardstanding and alterations to roofs – all of which do not normally require planning permission.

1.5.12 The renewed Directions would be made under the GPDO and would include the wording “as amended, revoked or re-enacted” to ensure the Directions would remain valid should there be any future changes to legislation. The draft Article 4 Directions are available at **Appendix 1 to 4**.

1.5.13 In accordance with the relevant legislation, once a new Direction is confirmed the existing Direction is cancelled.

1.5.14 To address the current risks associated with the wording of the Article 4 Directions it is recommended that they are all renewed by the Local Planning Authority at the earliest opportunity. Not undertaking this work would harm the Local Planning Authority’s ability to continue to preserve and enhance the conservation areas, and therefore fail in its statutory duties, as set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### 1.5.15 Next Steps

1.5.16 Article 4 Directions must be prepared in accordance with Schedule 3 of the GPDO. This includes the requirement to agree a draft (or “made” Direction) for public consultation for a period of six weeks. Following this, the Local Planning Authority can confirm the Article 4 Direction, taking into consideration any responses it receives to the made Direction. This decision will be made by Cabinet at a future meeting. The following indicative timeline is proposed for renewal of the Article 4 Directions.

**Table 1: Proposed renewal timeline**

June 2020	Cabinet consideration of Draft Article 4 Directions.
July 2020	Six weeks consultation with residents, including letter, site notices and advert in local press.
October 2020	Cabinet consideration of the responses to consultation and to confirm the Article 4 Directions. If Article 4 Directions confirmed, residents and Secretary of State to be informed.

**1.5.17 Consultation arrangements**

1.5.18 Should Cabinet agree to make the draft Directions, they will be subject to statutory consultation as soon as possible following the decision. In accordance with the GPDO, the draft Directions will be consulted upon via advertisement in the local press, site notice in no fewer than two locations affected by the Direction and by letter to owners/occupiers of the land or dwelling houses.

1.5.19 An engagement plan will be finalised to ensure the statutory consultation is appropriately publicised taking account of each area affected by the proposed renewal of Article 4 Directions. Due regard will be given to the on-going restrictions imposed by the Covid-19 pandemic.

1.5.20 All representations received will be taken into account when making a recommendation to Cabinet on whether or not to confirm the Article 4 Directions at a future Cabinet meeting.

**1.6 Decision options:**

The following decision options are available for consideration by Cabinet:

Option 1

Agree with the recommendations as set out at paragraph 1.2 of this report.

Option 2

Do not approve the recommendations as set out at paragraph 1.2 of this report.

Option 1 is the recommended option.

**1.7 Reasons for recommended option:**

Option 1 is recommended for the following reasons:

The legislation attached to the Article 4 Directions currently in place has now been superseded by the GPDO. As a result of this change, these Directions may not be capable of effective interpretation and implementation. Renewing the Article 4 Directions will allow for the Local Planning Authority to fulfil its statutory duty of preserving and enhancing the character and appearance of conservation areas.

## **1.8 Appendices:**

Appendix 1: Draft Article 4 Direction for land at Preston Park

Appendix 2: Draft Article 4 Direction for dwelling houses at New Quay

Appendix 3: Draft Article 4 Direction for dwelling houses at Spanish Battery

Appendix 4: Draft Article 4 Direction for dwelling houses at Tynemouth Village

## **1.9 Contact officers:**

Laura Craddock, Principal Planner (0191 643 6310)

Jackie Palmer, Planning Manager (0191 643 6336)

Colin MacDonald, Senior Manager, Technical & Regulatory Services (0191 643 6620)

David Dunford, Acting Senior Business Partner (0191 643 7027)

## **1.10 Background information:**

The following background information has been used in the compilation of this report and is available at the office of the author:

1. [North Tyneside Local Plan 2017](#)
2. [The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015 Schedules 2 and 3](#)
3. [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)
4. [National Planning Policy Framework 2019](#)
5. [Preston Park Article 4\(1\) Direction 1996](#)
6. [Spanish Battery Article 4\(2\) 2000](#)
7. [New Quay Article 4\(2\) 2005](#)
8. [Tynemouth Article 4\(2\) 2007](#)

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

The staff, printing and other costs to publish the draft Article 4 Directions will be met from within the existing budgets. All documents will be placed on the Authority's Web Site.

### **2.2 Legal**

The legal implications are set out in the main body of this report.

### **2.3 Consultation/community engagement**

#### **2.3.1 Internal Consultation**

The matter has been subject to dialogue with the Deputy Mayor.

#### **2.3.2 External Consultation/Engagement**

Article 4 Directions must be subject to statutory consultation. The engagement methods are outlined from paragraph 1.5.15 of this report.

## 2.4 Human rights

There are no human rights implications directly arising from this report.

## 2.5 Equalities and diversity

There are no direct implications arising from this report.

## 2.6 Risk management

The risks associated with the existing Article 4 Directions and their alignment with current legislation are set out in the main body of the report.

## 2.7 Crime and disorder

There are no crime and disorder implications directly arising from this report.

## 2.8 Environment and sustainability

The draft Article 4 Directions promote the use and re-use of natural, sustainable materials.

### PART 3 - SIGN OFF

- Chief Executive  X
- Head(s) of Service  X
- Mayor/Cabinet Member(s)  X
- Chief Finance Officer  X
- Monitoring Officer  X
- Head of Corporate Strategy and Customer Service  X